

United States District Court

MIDDLE DISTRICT OF ALABAMA

UNITED STATES OF AMERICA

V.

James Waller
137 Sawyer Rd.
Forest Home, AL 36030

CRIMINAL COMPLAINT

CASE NUMBER:

2:07-mj 96-WC

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 2005 to April 2007 in Butler county, in the

MIDDLE District of ALABAMA defendant(s) did, (Track Statutory Language of Offense)

embezzle, steal, purloin, and knowingly convert to his own use and the use of another, money and things of value of the United States, including United States Postal Service Voyager credit cards bearing on the account number 869959403 with card ID numbers 800001, 800002, and 800003 aggregating more than \$1,000.00,

in violation of Title 18 United States Code, Section(s) 641.

I further state that I am a(n) Special Agent, USPS OIG and this complaint is based on the following

Official Title

facts:

See Affidavit

Continued on the attached sheet and made apart hereof:

☒ Yes ☐ No

Russell Payne

Signature of Complainant

Sworn to before me and subscribed in my presence,

November 1, 2007

Date

at Montgomery, Alabama

City and State

Wallace Capel, Jr.

United States Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer

AFFIDAVIT

My name is Russell Payne and I am a Special Agent for the Office of Inspector General (OIG), United States Postal Service (USPS) in Birmingham, AL. I have been a Special Agent for the OIG for approximately 2 ½ years. Before working for OIG, I was a Postal Inspector for the Postal Inspection Service for approximately 14 ½ years in both Birmingham, AL and Mobile, AL. The OIG's area of responsibility includes investigations of fraud, waste, and abuse including Postal employee misconduct. The OIG is responsible for investigations of postal employees involved in theft or fraud against the USPS. My assignment includes OIG investigations in Alabama with a primary emphasis in investigations in the Middle and Southern Districts of Alabama. This affidavit is in support of a criminal complaint and an arrest warrant for Melissa Chesser and James Waller for fraudulent charges on a government credit card totaling approximately \$90,000 in violation of Title 18 United States Code, Section 641.

On April 17, 2004, Melissa Chesser was hired by the USPS as a driver of a Highway Contract Route (HCR). This route involved the driving of mail from the Forest Home Post Office to the Greenville Post Office for a total of 14 miles a trip. In the morning, the HCR driver transports the mail from the post office at Forest Home to the Greenville Post Office. In the afternoon, the driver drives the mail from Greenville to Forest Home. The total mileage per year is listed as 8485.9 miles. Initially, Chesser was paid a contract rate and a mileage rate.

On April 10, 2005, Chesser's contract was changed and Voyager gas credit cards were issued for gas used on the route. Her contract was reduced and the gas cards were issued to handle her fuel expenses. The effective date of the change was April 16, 2005. The contract specified, "The HCR supplier shall use the fuel transaction cards for fuel purchases only." "The HCR supplier is responsible for all charges made to the card(s) issued by the Designated Card Supplier."

The USPS issued Chesser three Voyager credit cards. There was a primary card, which was to be used with her primary vehicle, and two cards listed as rental cards. The account number was 869959403 with card ID numbers 800001, 800002, and 800003.

The vehicle Chesser listed was a 2000 Pontiac Grand Prix.

Pat Cole, Postmaster, Forest Home, AL, reported to Steve Kawulia, Networks Specialist, USPS, that on numerous occasions between May 2006 to March 2007, Chesser was allowing her boyfriend, James Waller, to ride in her car while performing her postal duties.

Postal Inspector Jim Tynan conducted an investigation into security issues concerning Chesser. Tynan found Waller had an extensive criminal record. Tynan found that between 1995 and 2006, Waller has been arrested or charged 26 times for a variety of crimes ranging from traffic violations, burglary, driving under the influence, menacing and negotiating worthless checks.

On March 16, 2007, Postal Inspector Jim Tynan sent a report to postal management about his concerns involving security issues involving Chesser.

On April 12, 2007, Chesser's contract was terminated based on Tynan's report.

In April 2007, the situation involving Chesser was reported to the USPS Office of Inspector General (OIG). The report also detailed an allegation about Chesser and her boyfriend misusing her Voyager cards. In particular, the postmaster in Forest Home had received reports that James Waller was seen in a local convenience store buying beer with Chesser's government Voyager cards.

I obtained the Voyager card usage on the Chesser accounts. Below is a chart showing a summary of charges on the Voyager cards assigned to Chesser. The column labeled "Contracted Gas Amount" is the maximum dollar amount that should have been charged on the government credit card. The column labeled "Total Amount Used" is the actual amount used on the Chesser accounts.

MONTH	WEIGHTED AVERAGE PPG	CONTRACTED GALLONS	CONTRACTED GAS AMOUNT	TOTAL AMOUNT USED
2005-04	\$ 2.20	32.6	\$ 71.72	\$ 182.00
2005-05	\$ 2.13	72.19	\$ 153.76	\$ 179.31
2005-06	\$ 2.08	69.86	\$ 145.31	\$ 184.10
2005-07	\$ 2.12	72.19	\$ 153.04	\$ 238.38
2005-08	\$ 2.47	72.19	\$ 178.31	\$ 400.71
2005-09	\$ 2.77	69.86	\$ 193.51	\$ 599.36
2005-10	\$ 2.82	72.19	\$ 203.58	\$ 600.15
2005-11	\$ 2.30	69.86	\$ 160.68	\$ 414.54
2005-12	\$ 2.21	72.19	\$ 159.54	\$ 478.23
2006-01	\$ 2.29	72.19	\$ 165.32	\$ 848.56
2006-02	\$ 2.28	65.21	\$ 148.68	\$ 796.93
2006-03	\$ 2.40	72.19	\$ 173.26	\$ 730.94
2006-04	\$ 2.78	69.86	\$ 194.21	\$ 802.44
2006-05	\$ 2.74	72.19	\$ 197.80	\$ 940.61
2006-06	\$ 2.72	69.86	\$ 190.02	\$ 1,908.48
2006-07	\$ 2.87	72.19	\$ 207.19	\$ 2,998.53
2006-08	\$ 2.85	72.19	\$ 205.74	\$ 1,855.03
2006-09	\$ 2.36	69.86	\$ 164.87	\$ 1,932.96
2006-10	\$ 2.82	72.19	\$ 203.58	\$ 599.30
2006-11	\$ 2.29	69.86	\$ 159.98	\$ 413.64
2006-12	\$ 2.16	72.19	\$ 155.93	\$ 476.69
2007-01	\$ 2.17	72.19	\$ 156.65	\$14,079.81
2007-02	\$ 2.17	65.21	\$ 141.51	\$14,179.98

2007-03	\$ 2.47	72.19	\$ 178.31	\$19,815.09
2007-04	\$ 2.76	69.86	\$ 192.81	\$28,514.92
TOTAL			\$ 4,255.31	\$94,170.69

In addition, purchases were made in a number of cities not close to the HCR route assigned to Chesser.

DATE	CITY	STATE	AMOUNT
04-Feb-06	Gulfport	MS	\$28.00
05-Feb-06	Evergreen	AL	\$20.00
06-Feb-06	Georgiana	AL	\$31.01
07-Feb-06	Biloxi	MS	\$32.01
08-Feb-06	Ocean Springs	MS	\$26.20
09-Feb-06	Long Beach	MS	\$30.00
10-Feb-06	Ocean Springs	MS	\$31.00
11-Feb-06	Long Beach	MS	\$20.00
11-Feb-06	Bay Minette	AL	\$29.00
13-Feb-06	Long Beach	MS	\$20.00
14-Feb-06	Long Beach	MS	\$20.00
16-Feb-06	Long Beach	MS	\$25.00
17-Feb-06	Loxley	AL	\$26.50
21-Feb-06	Long Beach	MS	\$32.50
21-Feb-06	Long Beach	MS	\$30.00
24-Feb-06	Long Beach	MS	\$25.00
26-Feb-06	Slidell	LA	\$21.00
28-Feb-06	Gulfport	MS	\$26.01
28-Feb-06	Long Beach	MS	\$20.00
01-March-06	Gulfport	MS	\$23.00
02-March-06	Gulfport	MS	\$18.42
03-March-06	Georgiana	AL	\$25.00
03-March-06	Gulfport	MS	\$26.00
04-March-06	Loxley	AL	\$20.00
07-March-06	Long Beach	MS	\$34.00
08-March-06	Georgiana	AL	\$18.00
11-March-06	Long Beach	MS	\$33.20
13-March-06	Pass Christian	MS	\$38.00
14-March-06	Long Beach	MS	\$30.16
15-March-06	Gulfport	MS	\$33.00
18-March-06	Gulfport	MS	\$10.00
19-March-06	Gulfport	MS	\$35.00
24-March-06	Long Beach	MS	\$35.00
28-March-06	Theodore	AL	\$20.00
30-March-06	Gulfport	MS	\$34.00

TOTAL 926.01

The voyager cards were used fraudulently for a total of \$90,841.39

I obtained a large number of receipts of the fraudulent transactions. The majority of the transactions involved the purchase of a large quantity of beer and cigarettes as well as groceries. There were also multiple purchases on certain days for several thousand dollars. James Waller and Melissa Chesser signed the receipts.

On August 16, 2007, I talked to Pat Cole, Postmaster, Forest Home Post Office, and learned Chesser was allegedly "on the run." Cole stated Chesser's father, Hilton Burgans, might know the whereabouts of Chesser.

On August 16, 2007, I contacted Burgans by telephone. Burgans stated he did not know how to get in touch with Chesser but would ask her to contact me if he heard from her.

On the afternoon of August 16, 2007, I received a telephone call from an individual identifying herself as Melissa Chesser. Chesser asked why I needed to talk to her. I told Chesser agents needed to discuss her Voyager card usage while she was employed at the USPS.

I informed her there appeared to be fraudulent charges on the card. Chesser was told there was evidence that her boyfriend, James Waller, was also involved in the fraudulent usages.

Chesser asked if they could just pay the money back. Chesser admitted to having a cocaine problem at the time these fraudulent charges occurred. Chesser said her and her boyfriend have been off drugs for four months and were trying to put all of this behind her.

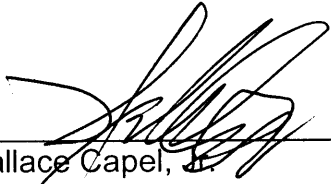
Chesser agreed to meet with me to discuss this matter but then never contacted me again. Additional attempts to locate Chesser have been unsuccessful.

Based on the foregoing, I submit there is probable cause to believe that between on or about April 2005, to on or about April 2007, Melissa Chesser and James Waller did embezzle, steal, purloin, and knowingly convert to their own use and the use of another, money and things of value of the United States, including USPS Voyager credit cards bearing on the account number 869959403 with card ID numbers 800001, 800002, and 800003 aggregating more than \$1,000, all in violation of Title 18, United States Code, Section 641.



Russell Payne
Special Agent
United States Postal Service
Office of Inspector General

Subscribed to before me this 1st day of November 2007.



Wallace Capel, Jr.
United States Magistrate Judge